

# **Torres Shire Council**

# Torres Shire Council Subordinate Local Law No. 2 (Animal Management) 2013

This Subordinate Local Law is to be read with Torres Shire Council *Local Law No.2 (Animal Management) 2013.* 



## Torres Shire Council

# **Subordinate Local Law No. 2(Animal Management) 2013**

# Contents

Chapter 1	Introduction			
Part 1	Prelimi	ninary		
	1	Short title4		
	2	Purpose and how it is to be achieved4		
	3	Authorising local law4		
	4	Definitions5		
Part 2	Keepin	g of animals		
	5	Circumstances in which keeping animals prohibited— Authorising local law, s 5(1)5		
	6	Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)5		
	7	Animals that must be desexed—Authorising local law, s 7		
	8	Minimum standards for keeping animals—Authorising local law, s 8(1)		
	9	Identification for cats and dogs in certain circumstances—Authorising local law, s 96		
Part 3	Contro	l of animals		
	10	Public places where animals are prohibited— Authorising local law, s 10(1)6		
	11	Dog off-leash areas—Authorising local law, s 11(1) 6		
	12	Animal faeces in public places—Authorising local law, s 13		
	13	Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)6		
	14	Koala conservation—Authorising local law, s 15 6		

	15	Criteria for declared dangerous animals—Authori local law, s 19(1)						
Part 4	Seizu	Seizure, impounding or destruction of animals						
	16	Place of care for impounded animals—Authorisin local law, s 24						
	17	Animals that may be disposed of without auction tender—Authorising local law, s 32(1)(b)						
	18	Register of impounded animals—Authorising local law, s 33(3)						
Part 5	Appe	eals against destruction orders						
Part 6	Misc	ellaneous						
	19	Conditions regarding sale of animals—Authorisin local law, s 42(1)						
	20	Animals excluded from application of the local law Authorising local law, schedule						
	21	Species that are declared dangerous animals— Authorising local law, schedule	8					
	22	Prescribed period for reclaiming animals—Author local law, schedule						
Schedule 1	Prohib	oition on keeping animals	10					
Schedule 2	Requi	Requirement for approval to keep animal						
Schedule 3	Requi	Requirement to desex animal						
Schedule 4	Minim	Minimum standards for keeping animals generally14						
Schedule 5	Minim	Minimum standards for keeping particular animals 16						
Schedule 6	Prohib	Prohibition of animals in public places19						
Schedule 7	Dog o	Dog off-leash areas						
Schedule 8	Requi	Requirements for proper enclosures for animals21						
Schedule 9	Requi	Requirements for keeping a dog in a koala area24						
Schedule 10	Koala	Koala areas						
Schedule 11	Criteri	a for declared dangerous animals	26					
Schedule 12	Condi	tions for sale of animals	27					
	Endno	tes	29					

# Subordinate Local Law No. 2 (Animal Management) 2013

# **Chapter 1** Introduction

## Part 1 Preliminary

#### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Managements) 2013*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2013*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
  - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
  - (c) the control of animals in public places; and
  - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - (e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
  - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

#### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by Local Law No. 2 (Animal Management) 2013 (the authorising local law).

#### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) "Multiple Dwelling Premises" means any premises, whether or not on a single lot on plan description, that contains more than one dwelling, whether attached or detached, for separate households.

Example – a premises containing more than one townhouse, a block of units, a duplex, a premises containing a dwelling house and a granny flat.

# Part 2 Keeping of animals

# 5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

# 6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

#### 7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

# 8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

### 9 Identification for cats and dogs in certain circumstances— Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act* 2008.

### Part 3 Control of animals

# Public places where animals are prohibited—Authorising local law, s 10(1)

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

### 11 Dog off-leash areas—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

### 12 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

- (a) Dogs; and
- (b) Horses.

## 13 Requirements for proper enclosures for keeping animals— Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

#### 14 Koala conservation—Authorising local law, s 15

Intentionally left blank

# 15 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 11.

# Part 4 Seizure, impounding or destruction of animals

# Place of care for impounded animals—Authorising local law, s 24

Intentionally left blank

### Animals that may be disposed of without auction or tender— Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) Dogs;
- (b) Cats; and
- (c) Other small domesticated animals.

## 18 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the Torres Shire Council Chambers, 68 Douglas Street, Thursday Island.

## Part 5 Appeals against destruction orders

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

#### Part 6 Miscellaneous

# 19 Conditions regarding sale of animals—Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in

column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

### 20 Animals excluded from application of the local law— Authorising local law, schedule

The following animals are excluded from the application of the authorising local law –

- (a) a guide dog; or
- (b) an assistance dog (other than a guide dog) provided the dog
  - (i) is under effective control; and
  - (ii) is not a regulated dog; and
  - (iii) is not a dog that is on heat; and
  - (iv) is wearing a jacket and tag identifying it as an assistance dog; or

Examples of evidence that may be required to establish that a dog is an assistance dog (other than a guide dog) –

- i. the person has a disability and the nature of that disability; and
- ii. the dog provides assistance to the person to alleviate the effect of that disability and the nature of that assistance; and
- iii. the dog has been trained to assist the person to alleviate the effect of that disability; and
- iv. that training includes training to comply with the standards of hygiene and behaviour comparable to those apply to guide dogs.
- (c) dogs owned by the Queensland Police Service or an employee, contractor or agent of the Queensland Police Service and under the control of a competent handler; or
- (d) a security dog under the control of a competent handler and being used in connection with the business or an organisation approved by the local government to carry out security services
- (e) Any animals that are regulated or managed under other state legislation.

# 21 Species that are declared dangerous animals—Authorising local law, schedule

For the purposes of the definition of "declared dangerous animals" in the schedule to the authorising local law, the following are declared dangerous animals –

(a) an animal that –

- (i) has attached a person or an animal; or
- (ii) has caused a person to believe that the person or an animal will be attacked or worried; or
- (iii) is likely, in the opinion of an authorised person, to cause a person to believe that the person or an animal will be attacked or worried; or
- (iv) has been trained to attack for the purpose of guarding either persons or property; or
- (v) has been declared a dangerous dog by another local government; or
- (vi) the animal has been declared dangerous by another local government.

# 22 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of "prescribed period" in the schedule to the authorising local law, the period within which an animal may be reclaimed is:

- (a) for a registered animal -5 days; or
- (b) for an unregistered animal -3 days

commencing on the day a notice of impounding is given to a person or if no notice is given to a person, on the day of seizure.

# Schedule 1 Prohibition on keeping animals

## Section 5

	Column 1	Column 2 Circumstances in which keeping of animal or animals is prohibited	
	Animal		
1	Dog	(a)	Any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario
			More than 2 dogs over the age of 12 weeks at any premises that is part of a Multiple Dwelling Premises
		(c)	More than 2 dogs over the age of 12 weeks on an allotment with an area less than or equal to 600m2 (other than premises mentioned in subparagraph (b)).
2	Cat	•	More than 2 cats over the age of 3 months on an allotment in a designated town area
3	Horse or donkey	•	A horse or donkey in a designated town area on an allotment less than 4000 m <sup>2</sup>
		•	A density of animals that is greater than one animal per 4000 m <sup>2</sup>
4	Cow or bull	•	A cow or bull in a designated town area except where the cow or bull is kept within a 'town commons' designated by the local government for grazing cattle under 'common rights'
5	Sheep, goat, alpaca or llama	•	A density of animals that is greater than one animal per 1000 m <sup>2</sup>
6	Poultry	•	A rooster in a designated town area
	Duck or goose	•	More than 10 poultry on an allotment in a designated town area
7	Deer	•	A density of animals that is greater than one animal per 1000 m <sup>2</sup>

8	Pig	A pig in a designated town area
9	Bees	• A hive on an allotment less than 400 m² (see Code of Practice for Urban Bee Keeping in Queensland 1998)
10	Cockatoo, galah, budgerigar, canary racing pigeons or other pet birds	More than 10 birds on an allotment in a designated town area

# Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval <sup>1</sup>	
1	Dog	(a)	1 or 2 dogs over the age of 12 weeks at any premises that is part of a Multiple Dwelling Premises
		(b)	2 dogs over the age of 12 weeks on an allotment with an area less than or equal to $600\text{m}^2$ (other than premises mentioned in subparagraph (a));
		(c)	3 or more dogs over the age of 12 weeks on an allotment with an area greater than $600\text{m}^2$ . (other than premises mentioned in subparagraph (a))
2	Horse or donkey	•	More than 1 horse or donkey on an allotment in a designated town area
3	Cow or bull	•	A density of animals that is greater than one animal per 4000 m <sup>2</sup>
4	Any animals	•	Breeding for commercial purposes

See Local Law No.1 (Administration) 2013 and Subordinate Local Law No.1 (Administration) 2013 and Sustainable Planning Act 2009 and Environmental Protection Act 1994 in relation to the requirements and processes for approvals including development approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

# Schedule 3 Requirement to desex animal

## Section 7

	Column 1 Species or breed of animal	Column 2  Age at which animal must be desexed	Column 3  Exemptions to the requirement for desexing
1	Dogs	Before age of 3 months	An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing, upon application to the local government.
2	Cats	Before age of 3 months	An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing, upon application to the local government.

# Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

A person who keeps an animal on premises must-

- (a) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land or as otherwise directed by an authorised person; and
- (b) ensure that excreta, food scraps, and other material that is, or is likely to become, offensive is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container of a kind approved by an authorised person; and
- (c) ensure that any enclosure in which the animal is kept is kept in a clean and sanitary condition and free from dust and odour; and
- (d) ensure that any enclosure in which the animal is kept is properly maintained in an aesthetically acceptable condition; and
- (e) ensure the animal does not makes a noise that constitutes a nuisance ("animal noise nuisance") in the reasonable opinion of an authorised person. An animal causes an animal noise nuisance if it makes a noise that occurs more than once in a forty-eight (48) hour period which:
  - (i) persists for more than five (5) minutes continually during any hour of any day or night; and
  - (ii) disrupts or inhibits the reasonable enjoyment of an activity ordinarily carried out on adjoining or nearby residential premises.

Example —

The barking of a dog which disrupts a person—

- sleeping; or
- holding a conversation; or
- watching television; or
- listening to a radio or recorded material
- (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
- (g) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility and the receptacle or storeroom facility, as the case may be, is maintained to the satisfaction of an authorised person; and
- (h) ensure that all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and

- (i) ensure that any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
- (j) comply with reasonable directions given by an authorised person to ensure that the keeping of the animal does not result in nuisance to occupiers of other land or premises; and
- (k) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.

# Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals	
1	Horse, donkey, camel alpaca, llama, deer, sheep or goat	Where the animal is kept in an urban area or on land less that 10 000m2, the owner or responsible person for the animal must provide the local government with the following information—	
		<ul> <li>(a) the person's name, address and telephone number, including mobile phone number; and</li> <li>(b) contact details for an alternative contact person; and</li> <li>(c) details of where the animal is kept; and</li> <li>(d) a description of the animal, including any brand or identification mark on the animal; and</li> <li>(e) if a stable is constructed, it must be constructed in accordance with the <i>Building Act 1975</i> and any applicable codes as defined in this Act.</li> </ul>	
2	Cattle	The owner or responsible person for the animal must provide the local government with the following information—  (a) the person's name, address and telephone number, including mobile phone number; and	
		<ul> <li>(b) contact details for an alternative contact person; and</li> <li>(c) details of where the animal is kept; and</li> <li>(d) a description of the animal, including any brand or identification mark on the animal.</li> </ul>	
3	Pigs	Any part of a sty or other enclosure in which a pig is kept must be situated at least:	
		<ul> <li>(a) 10m from an adjoining boundary; and</li> <li>(b) 15m from any dwelling; and</li> <li>(c) 15m from any structure where food for human consumption is processed or stored; and</li> <li>(d) 6m from a roadway; and</li> <li>(e) 20m from any watercourse, well or bore.</li> </ul>	
4	Budgerigars, Canaries and other pet birds	(a) All seed and other food for the birds must be contained within a properly sealed and vermin proof container.	

		(b) Cages and aviaries are to be thoroughly cleaned weekly.
5	Geese, ducks, chickens, roosters, turkeys and other	Each owner of, and responsible person for, a bird specified in column 1, item 5 which is kept on premises must ensure that –
	poultry	<ul> <li>(a) The bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosure; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the enclosure in which the bird is kept is – <ul> <li>(i) thoroughly cleaned at least once each week; and</li> <li>(ii) located at the rear of, and behind, any residence situated on the premises; and</li> </ul> </li> <li>(e) the enclosure in which the bird is kept is not located within a radius of 10 metres of – <ul> <li>(i) a residence on adjoining premises; or</li> <li>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or</li> <li>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</li> </ul> </li> </ul>
		<ul> <li>(f) the enclosure in which the bird is kept is set back a minimum of 2 metres from each boundary of the premises; and</li> <li>(g) the enclosure in which the bird is kept is constructed so as to prevent the bird from wandering off, or flying away from, the premises.</li> </ul>
6	Pigeons	<ul> <li>(a) Enclosed housing must use deep litter or other appropriate substrate.</li> <li>(b) Pigeon lofts must be regularly cleaned and maintained in a healthy condition so that no food scraps, pigeon faeces or feathers may create a food source to attract vermin.</li> <li>(c) Rodents and other vermin must be vigorously controlled.</li> <li>(d) All food must be stored in sealed vermin proof containers and must not be left uncovered.</li> <li>(e) The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.</li> <li>(f) Waste must be disposed of in an approved manner.</li> <li>(g) The slaughtering of pigeons in urban areas is prohibited.</li> <li>(h) The uncontrolled release of pigeons (free lofting) in an urban area is not permitted.</li> </ul>

		<ul> <li>(i) Free non-flight time must be conducted under close supervision by the owner.</li> <li>(j) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.</li> <li>(k) Every reasonable attempt must be made to retrieve birds that do not return.</li> <li>(l) Birds must not be permitted to roost on neighbours' premises.</li> <li>(m) Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.</li> </ul>
7	Doves	<ul> <li>(a) All seed and other food for the birds must be contained within a properly sealed and vermin proof container.</li> <li>(b) Cages and aviaries are to be thoroughly cleaned once per week.</li> <li>(c) Exercise periods are permissible from dawn until 9.00am and from 3.00pm until dark.</li> <li>(d) Doves must not be out unsupervised during the day and should not be allowed to rest on house roofs or other neighbouring property.</li> </ul>
8	Greyhounds	(a) Where greyhounds are kept on premises they must be kept in accordance with Racing Queensland – Local Rules of Racing.
9	Cats and Dogs	(a) The owner of the cat or dog must ensure that at all times the animal is wearing the registration device mentioned in section 12(3) of the <i>Animal Management (Cats and Dogs) Act 2008</i> .

# Schedule 6 Prohibition of animals in public places

Section 10

	Column 1	Column 2
	Public place	Species or breed of animals prohibited
1	Any public place declared by resolution of the local government (or by another local law or subordinate local law) to be a place where animals are not permitted.	Any animal declared by resolution of the local government (or by another local law or subordinate local law) to be a prohibited animal in a declared public place.
2	In any playground, or within 5 metres of any playground	All domestic animals
3	All cemetery reserves	All domestic animals

# Schedule 7 Dog off-leash areas

Section 11

The following areas are declared to be "Dog off-leash areas"

(a) Areas declared by the local government by resolution, to be a *Dog-off leash area*.

# Schedule 8 Requirements for proper enclosures for animals

## Section 13

	Column 1			Column 2
	Species or breed of animal		Requirements for proper enclosures	
1	Cats, dogs and other animals not listed	(1)	The e	enclosure—
	elsewhere in this schedule		(a)	must be suitably fenced;
	schedule		(b)	and must be of a size appropriate to the species and breed of the animal to be enclosed; and
			(c)	may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and
			(d)	must contain adequate shelter.
		(2)		enclosure's gates must be closed and ed except when in actual immediate use.
		(3)	strong	bly <i>fenced</i> means a fence constructed of g materials and designed in such a way to revent the animal from—
			(a)	escaping over, under, through or around the fence; and
			(b)	protruding over, under, through or around the fence; and
			(c)	threatening to attack a person or animal over, under, through or around the fence; and
			(d)	attacking a person or animal over, under, through or around the fence.

2 Geese, ducks,	The	enclosure must—	
	chickens, roosters, turkeys and other poultry	(a)	not be sited closer than 2 metres from the property boundaries; and
		(b)	be located at the rear of the premises behind the residence (if any) situated on the premises; and
		(c)	prevent the animals from being nearer than 10m to any local government road or State-controlled road.
3	Pigeons	(a)	The cage or aviary must not be sited closer than 2 metres from the property boundaries.
		(b)	The enclosure must be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises).
		(c)	All pigeons must be housed in purpose built facilities.
		(d)	Where wooden floors are used, a clear air space not less than 400mm between the ground level and the underside of the flooring timbers must be provided.
		(e)	Where concrete floors are used, a concrete edge to the slab extending at least 600mm into the ground must be provided.
		(f)	Pigeon lofts are to have a maximum height of 2.5 metres above natural ground level.
		(g)	An appropriate size of enclosure must be selected to house a maximum number of birds within the proposed loft.
		(h)	The maximum number of birds per cubic metre of air space must not exceed 5.
		(i)	Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds.
		(j)	Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.

4	Doves	The enclosure must not be sited closer than 2 metres from the property boundaries.		
5	Horses, cattle, sheep, goats and other animals of a similar size	The (a) (b)	be constructed to prevent any such animal from being within 10 metres of any dwelling (except any dwelling on the premises); and except in rural areas, be sited a minimum distance of 2 metres from the property boundaries.	
6	Caged birds	The (a) (b) (c) (d)	not be sited closer than 2 metres from the property boundaries; and  not, in combination with all buildings on site, exceed 50% of the area of the lot; and  be located at the rear of the premises behind the residence (if any) situated on the premises; and  prevent the animals from being nearer than 10m to any local government road or State-controlled road;  (i) aviaries/cages with a floor area exceeding 2sq m must be of a minimum height of at least 1.8m and allow access for physical entry; and  (ii) the minimum length and width of any cage should be at least twice the length of the largest bird in the cage.	

# Schedule 9 Requirements for keeping a dog in a koala area

Section 14(1)

Intentionally left blank

# Schedule 10 Koala areas<sup>2</sup>

Section 14(2)

Intentionally left blank

<sup>2</sup> "Koala areas" under section 15(4) of the authorising local law comprise the areas designated in this schedule plus "koala habitat areas" designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

\_

# Schedule 11 Criteria for declared dangerous animals

Section 15

The following criteria will be considered prior to the declaration of an animal, other than a dog, being declared dangerous—

- (a) whether the animal has attacked a person;
- (b) whether the animal has attacked another animal;
- (c) whether the animal has caused fear of attack in a person;
- (c) whether the animal has exhibited behaviour that, in the opinion of an authorised person, gives rise to concern that it is likely to either attack a person or animal or cause fear to a person;
- (d) the authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; and/or
- (e) a high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal.

## Schedule 12 Conditions for sale of animals

Section 19

	Column 1	Column 2  Conditions that must be complied with when offering animal for sale			
	Species or breed of animal				
1	All animals	(a)	Stand	oliance by the buyer with the Minimum ards for keeping particular animals in dules 4 and 5 of this subordinate local law.	
		(b)	(b) Animals must be free from disease.		
		(c) A person must not operate a pet shop, cattery or kennel or undertake commercial activities for the keeping or supply of animals unless authorised to operate under a current commercial permit issued in compliance with applicable legislation <sup>3</sup> .			
		(d)	(d) The holder of a commercial permit mensure that any animals offered for sale are		
			(i)	in good health and free from disease; and	
			(ii)	vaccinated and have received worm treatment; and	
			(iii)	held in an area that is clean and sanitary and free of vermin harbourage to the satisfaction of an authorised person; and	
			(iv)	not held for sale on a road or land under the control of the local government; and	
			(v)	restrained by enclosures, fences or be tendered so as to effectively prevent the animal from straying off the premises;	

-

<sup>&</sup>lt;sup>3</sup> Other legislation that me be relevant includes the *Sustainable Planning Act 2009*, applicable planning schemes and land use plans and *Environmental Protection Act 1994* 

and not kept in display cases or in a confined area overnight, except for an enclosure approved by an authorised person. 3 Cats and Dogs The cat or dog must not be sold without a (a) Permanent Identification Device (microchip) unless exempt under the relevant legislation and Where the animal is micro chipped, the seller (b) must provide the buyer with the microchip certificate and details of the licensed microchip registry company to enable the buyer to change ownership details. 4 Dogs Where a local government has declared a dog to be a regulated dog<sup>4</sup> a buyer may be required to obtain

a permit<sup>5</sup> from the local government prior to the

purchase of the regulated dog.

<sup>4</sup> Division 5 Part 4 of the Animal Management(Cats and Dogs Act 2008

<sup>&</sup>lt;sup>5</sup> Division 5 Part 5 of the Animal Management (Cats and Dogs) Act 2008

## **Endnotes**

### 1 Key

Key to abbreviations in list of amending local laws and annotations

Key		Explanation	Key		Explanation
amd	=	amended	prec	=	preceding
ch	=	chapter	prev	=	previous
def	=	definition	pt	=	part
div	=	division	renum	=	renumbered
hdg	=	heading	s	=	section
ins	=	inserted	sch	=	schedule
num	=	numbered	sdiv	=	subdivision
om	=	omitted	sub	=	substituted

#### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amending Subordinate Local Law No.3 (Miscellaneous Subordinate Local Laws) 2020	13 November 2020	
2	Amending Subordinate Local Law No.1 (Animal Management) 2023	3 February 2023	

## 3 List of amending local laws

# Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020

date notified in the gazette 13 November 2020 commenced on date of notification

### Amending Subordinate Local Law No. 1 (Animal Management) 2023

date notified in the gazette 3 February 2023 commenced on date of notification

#### 4 List of annotations

Section 16— Place of care for impounded animals

s 16 amd 2020 No.3 s 8

Schedule 4 – Minimum standards for keeping animals

sch 4 ins 2023 No. 1 s. 17

Schedule 7 - Dog off-leash areas

**sch 7** ins 2020 No.3 s 9

Schedule 8 – Requirements for proper enclosures for animals

**sch 8** ins 2023 No. 1 s 18